

REMARKS

Claims 1 and 3-20 are currently pending in the application and stand rejected. In order to expedite prosecution, the Applicants are amending independent claims 1 and 13. No new matter was introduced by way of the amendments. The Applicants make no admissions or waives any arguments related to the *Office Action* by making the amendments. The Applicants reserve the right to pursue the unamended claims in a later application.

Claim Rejections – 35 USC § 101

The Examiner rejected claims 1 and 13 under 35 USC 101 “because the establishing step is not central to the purpose of the method” (*Office Action*, p. 2). The Examiner advised the Applicants to “insert a computer in the creating step to overcome this rejection.” The Applicants thank the Examiner for the advice and are amending claims 1 and 13 accordingly. The Applicants respectfully request that the rejections be withdrawn.

Claim Rejections – 35 USC § 103

The Examiner rejected claims 1, 3-4 and 13-20 under 35 USC 103(a) as being unpatentable over *Haitsuka et al.* (6,847,992 hereinafter *Haitsuka*) in view of *Gatto* (7,539,637 hereinafter *Gatto*).

Regarding claim 1,

The Applicants respectfully submit that *Haitsuka* does not appear to teach or suggest “wherein the plurality of hierarchy tables are arranged such that at least one of the plurality of hierarchy tables has a highest number of dimensions and a second of the plurality of hierarchy tables has a lowest number of dimensions” as required in the claim as amended. The only reference to tables in *Haitsuka* appears to disclose that the summary record may include “the results of the statistical analysis performed in step 825, including objects associated with text and graphical displays, such as tables and graphs”

(*Haitsuka*, col. 18, lines 20-25). *Haitsuka* does not appear to teach or suggest the number of dimensions in the tables or whether the tables may have different numbers of dimensions. Further, *Haitsuka* does not appear to teach or suggest that the tables are arranged or that one table has a “highest number of dimensions” and a second table has a “lowest number of dimensions.

Further, the Applicants respectfully submit that *Haitsuka* does not teach or suggest “receiving consumer data from a plurality of client computers” as required by the claim. The Examiner stated that “*Haitsuka* teaches the user’s click-through is the consumer’s data received from user’s computer” (*Office Action*, p. 7). The Applicants respectfully point out that the claim is requires that the consumer data is received from a plurality of client computers and not just a single computer. Since the cited portions of *Haitsuka* and *Gatto* do not appear to teach each and every element of the claim, the Examiner has not established a *prima facie* case of obviousness.

The Examiner also rejected claim 1 stating that *Haitsuka* discloses “receiving user selected values from a front end, the front end having a selection area with user selectable values that change depending on an initially selected value (i.e. sponsor define certain criteria so therefore the relevant (value) records change according to the sponsor defined criteria (Figure 8, 820)” (*Office Action*, p. 2). In the *Office Action*, the Examiner is “construing ‘user’ to be the OSP server selecting different sorting/values criteria in order to identify the records that are relevant depending on the value or criteria searched” (*Id.* at p. 7). The Applicants respectfully submit that *Haitsuka* does not teach and the Examiner has not shown “a front end” or a “front end having an interface displaying a selection area” as required by the claim. A server may be configured to perform functions on data without an interface display as required by the claim.

Further, *Haitsuka* does not appear to teach or suggest user selectable values that change depending on an initially selected value as required by the claim. As stated by the Examiner, the OSP server selects “different sorting/values criteria in order to identify the records.” The Examiner appears to equate “sorting/values criteria” with “initially selected value.” However, the identified record in *Haitsuka* is not a “user selectable

value” because the *Haitsuka* does not teach that the record is “user selectable.” Rather, the record is the result of the sorting/values criteria. *Haitsuka* does not appear to teach a server performing a selection of the output of the sorting/values criteria. As such, the Examiner has not established a *prima facie* case of obviousness.

The Examiner has stated that “Gatto teaches a user defining alert conditions and parameters to enable the system to inform the user of the occurrence of events and condition” (*Id.* at p. 3), however, the Examiner has not identified where in 100 pages that *Gatto* teaches such alert conditions and parameters.

Further, the Applicants respectfully submit that a person in the ordinary skill in the art of displaying advertisements would not combine *Gatto* which is directed to estimating the performance of a financial analyst (*Gatto*, see title and Abstract) with *Haitsuka* which is directed to displaying advertisements while the user is accessing an online server (*Haitsuka*, Abstract). As stated in MPEP 2143.01:

the mere fact that references can be combined or modified does not render the resultant combination obvious unless
**>the results would have been predictable to one of ordinary skill in the art. *KSR International Co. v. Teleflex Inc.*, 550 U.S. ___, ___, 82 USPQ2d 1385, 1396 (2007) (“If a person of ordinary skill can implement a predictable variation, § 103 likely bars its patentability. For the same reason, if a technique has been used to improve one device, and a person of ordinary skill in the art would recognize that it would improve similar devices in the same way, using the technique is obvious unless its actual application is beyond his or her skill.”).<

The Applicants respectfully point out that a person skilled in the art of displaying advertisements would be unaware of systems for viewing financial analyst performance and, therefore, a person skilled in the art would not recognize the improvement. As a result, the Applicants respectfully submit that *Haitsuka* is not combinable with *Gatto*.

The Examiner also rejected claim 1 stating that *Haitsuka* teaches “extracting data from the database based on the user selected values (Figure 8, 835)” (*Office Action*, p. 2). The Applicants respectfully point out that element 835 of Figure 8 is a method step labeled “provide summary to sponsor.” Element 835 of Figure 8 does not teach or disclose the step of extracting data, much less extracting data from a database based on the user selected values from the front end. Since the cited portions of *Haitsuka* and *Gatto* do not appear to teach each and every element of the claim, the Examiner has not established a case of obviousness.

For at least these reasons, the Applicants request that the rejection to claim 1, as well as the rejections to all claims that depend upon claim 1, be withdrawn and the claims allowed.

Regarding claims 3 and 4,

For at least the reasons discussed with regard to claim 1, the Applicants respectfully request that the rejections to claims 3 and 4 be withdrawn.

Regarding claim 5,

The Examiner rejected claim 5 taking official notice that Analytical Processing Databases (OLAP) are “old and well known to...summarize view of business data” (*Office Action*, p. 4). MPEP 2144.03 states that “if official notice is taken of a fact, unsupported by documentary evidence, the technical line of reasoning underlying a decision to take such notice must be clear and unmistakable” (MPEP 2144.03(B)). The Applicants traverse Examiner’s conclusory statement that Analytical and Processing Databases used with analyzing online advertising information are old and well known.

The Applicants respectfully submit that Analytical and Processing Databases used with analyzing online advertising information are not common knowledge or well-known in the art. As such, the Examiner must provide documentary evidence in the next office action if the rejection is to be maintained.

The Examiner has responded that the “Examiner has provided examples of the well known facts” and that the Applicants have not “provided a proper challenge that would at least cast reasonable doubt that the known facts weren’t known prior to...invention. See MPEP 2144.03” (*Office Action*, p. 8). The Applicants respectfully submit that the Applicants are not required to “cast reasonable doubt that the known facts weren’t known.” Rather, MPEP 2144.03C states:

To adequately traverse such a finding, **an applicant must specifically point out the supposed errors** in the examiner's action, which would include stating why the noticed fact is not considered to be common knowledge or well-known in the art. See 37 CFR 1.111(b). See also *Chevenard*, 139 F.2d at 713, 60 USPQ at 241 (“[I]n the absence of any demand by appellant for the examiner to produce authority for his statement, we will not consider this contention.”). A general allegation that the claims define a patentable invention without any reference to the examiner's assertion of official notice would be inadequate. If applicant adequately traverses the examiner's assertion of official notice, the examiner must provide documentary evidence in the next Office action if the rejection is to be maintained. See 37 CFR 1.104(c)(2). See also *Zurko*, 258 F.3d at 1386, 59 USPQ2d at 1697 (“[T]he Board [or examiner] must point to some concrete evidence in the record in support of these findings” to satisfy the substantial evidence test). If the examiner is relying on personal knowledge to support the finding of what is known in the art, the examiner must provide an affidavit or declaration setting forth specific factual statements and explanation to support the finding. See 37 CFR 1.104(d)(2). (emphases added)

The Applicants have specifically pointed out the errors. The Applicants are not required to cast reasonable doubt that the known facts weren’t known prior to Applicants’ invention. The Examiner is now required to “provide documentary evidence in the next Office Action if the rejection is to be maintained.” The Examiner’s examples of facts are insufficient.

For at least these reasons, as well as the reasons discussed with regard to claim 1, the Applicants request that the rejection to claim 5 be withdrawn.

Regarding claim 6,

The Applicants respectfully submit that the Examiner has not addressed, made arguments, or shown where *Haitsuka* discloses “executing a front end for a database,” “displaying an interface of the front end,” or “the database comprising a plurality of hierarchy tables of the database, wherein the plurality of hierarchy tables are arranged in a hierarchy topology with a lowest level hierarchy table of the plurality of hierarchy tables comprising facts associated with a highest number of dimensions and a highest level hierarchy table of the plurality of hierarchy tables comprising facts associated with a single dimension” as required by the claim. As discussed regarding claim 1, *Haitsuka* does not appear to teach or suggest displaying an interface or a front end.

Further, the only reference to tables in *Haitsuka* appears to disclose that the summary record may include “the results of the statistical analysis performed in step 825, including objects associated with text and graphical displays, such as tables and graphs” (*Haitsuka*, col. 18, lines 20-25). *Haitsuka* does not appear to teach or suggest facts in tables or different tables including different facts that are associated with a different number of dimensions. Since the Examiner has not cited art nor made arguments related to each and every element of the rejection, a rejection of obviousness is improper.

Further, the Examiner stated that “*Haitsuka* further teaches a first selection area for selecting a first set of values (i.e. sponsor define certain criteria so therefore the relevant (value) records change according to the sponsor define criteria) (Figure 8, 820) (*Office Action*, p. 5). As discussed regarding claim 1, element 820 of Figure 8 is a method step labeled “identify relevant records.” Element 820 of Figure 8 does not teach or disclose “a first selection area for selecting a first set of values” much less “displaying an interface of the front end, the interface comprising: a first selection area for selecting a first value from a first set of values” as required by the claim. Since the cited portions

of *Haitsuka* and *Gatto* do not appear to teach each and every element of the claim, the Examiner has not established a prima facie case of obviousness.

The Examiner took official notice “that it is old and well known that based on the user entry to automatically provide a second set of values. (*Office Action*, p. 5) The Applicants respectfully traverse.

MPEP 2144.03 states that “if official notice is taken of a fact, unsupported by documentary evidence, the technical line of reasoning underlying a decision to take such notice must be clear and unmistakable” (MPEP 2144.03(B)). The Applicants respectfully submit that “to automatically provide a second set of values” is not old and well known. Claim 6 requires “displaying an interface of the front end [the front end of a database as described in the claim], the interface comprising... a second area for selecting a second value from a second set of values, the second set of values being automatically displayed by the front end in the second selection area based on the first value, wherein the first and second values refer to a first dimension associated with at least one hierarchy table of the plurality of hierarchy tables within the a database” MPEP 2144.03(c) states that “if Applicant challenges a factual assertion as not properly officially noticed or not properly based upon common knowledge, the Examiner must support the finding with adequate evidence.” The Examiner has not provided official notice of all of the elements of the claim.

For support, the Examiner states that, [f]or example, when a user enters that he or she wants to listen to 3 minutes of advertisements or the like, the system automatically retrieve from the database a list of ads that are for 3 minutes or less from which the user would make a second selection from in order to comply with the user request” (*Office Action*, p. 4). The claim does not claim a player for listening to music nor has the Examiner shown that the front end comprises a player. Further, the Examiner has not shown in the example how the second set of values are automatically displayed by a front end in the second selection area based on a first value, wherein the first and second values refer to a first dimension associated with at least one hierarchy table of the plurality of hierarchy tables within the a database.

The Examiner has responded that the “Examiner has provided examples of the well known facts” and that the Applicants have not “provided a proper challenge that would at least cast reasonable doubt that the known facts weren’t known prior to...invention. See MPEP 2144.03” (*Office Action*, p. 8). The Applicants respectfully submit that the Applicants are not required to “cast reasonable doubt that the known facts weren’t known.” Rather, MPEP 2144.03C states:

To adequately traverse such a finding, **an applicant must specifically point out the supposed errors** in the examiner's action, which would include stating why the noticed fact is not considered to be common knowledge or well-known in the art. See 37 CFR 1.111(b). See also *Chevenard*, 139 F.2d at 713, 60 USPQ at 241 (“[I]n the absence of any demand by appellant for the examiner to produce authority for his statement, we will not consider this contention.”). A general allegation that the claims define a patentable invention without any reference to the examiner's assertion of official notice would be inadequate. If applicant adequately traverses the examiner's assertion of official notice, the examiner must provide documentary evidence in the next Office action if the rejection is to be maintained. See 37 CFR 1.104(c)(2). See also *Zurko*, 258 F.3d at 1386, 59 USPQ2d at 1697 (“[T]he Board [or examiner] must point to some concrete evidence in the record in support of these findings” to satisfy the substantial evidence test). If the examiner is relying on personal knowledge to support the finding of what is known in the art, the examiner must provide an affidavit or declaration setting forth specific factual statements and explanation to support the finding. See 37 CFR 1.104(d)(2). (emphases added)

The Applicants have specifically pointed out the errors. The Applicants are not required to cast reasonable doubt that the known facts weren’t known prior to Applicants’ invention. The Examiner is now required to “provide documentary evidence in the next Office Action if the rejection is to be maintained.” The Examiner’s examples of facts are insufficient.

Further, as discussed herein, *Haitsuka* does not appear to teach or suggest hierarchy tables as described in the claim, a front end, an interface to a front end, or the

interface comprising a first selection area and a second selection area. The Applicants respectfully state that the Examiner has not shown, nor taken Official Notice of each and every element of the claim, and, therefore, the Examiner has not established a *prima facie* case of obviousness.

For at least these reasons, as well as the reasons discussed with regard to claim 1, the Applicants request that the rejection to claim 6, as well as the rejections to the claims that depend upon claim 6, be withdrawn.

Regarding claims 7-12,

For at least the reasons discussed regarding claims 1 and 3-6, the Applicants request that the rejections to claims 7-12 be withdrawn.

Regarding Claim 13,

The Applicants respectfully submit that the Examiner has not addressed, made arguments, or shown where *Haitsuka* or *Gatto* disclose “the front end having an interface displaying selection areas that are driven by a plurality of hierarchy tables of the database” or “wherein the plurality of hierarchy tables are arranged in a hierarchy topology with a lowest level hierarchy table of the plurality of hierarchy tables comprising facts associated with a highest number of dimensions and a highest level hierarchy table of the plurality of hierarchy tables comprising facts associated with a single dimension” as required by the claim. As discussed regarding claims 1 and 6, *Haitsuka* does not appear to teach or suggest displaying an interface or a front end.

Further, the only reference to tables in *Haitsuka* appears to disclose that the summary record may include “the results of the statistical analysis performed in step 825, including objects associated with text and graphical displays, such as tables and graphs” (*Haitsuka*, col. 18, lines 20-25). Neither *Haitsuka* nor *Gatto* appear to teach a hierarchy of tables arranged in a hierarchy topology with a lowest level hierarchy table comprising facts associated with a highest number of dimensions and a highest level hierarchy table comprising facts associated with a single dimension as required by the claim. *Haitsuka*

does not appear to discuss a structure a database, or the organization of the contents of tables. Since the Examiner has not cited art nor made arguments related to each and every element of the rejection, a rejection of obviousness is improper.

The Examiner stated that “*Haitsuka* teaches receiving a plurality of selected dimensions of a database from a front end user, the front end having selection areas that are driven by tables at the database (i.e. the sponsor identify relevant criteria and records of information they want to receive) (Figure 18, 820 and col. 18, lines 20-24)” (*Office Action*, p. 3). The Applicants respectfully point out that the cited portion of *Haitsuka* does not appear to teach “receiving a plurality of selected dimensions of a database from a front end, the front end having an interface displaying selection areas that are driven by a plurality of hierarchy tables of the database” as required by the claim. The Applicants respectfully point out that element 820 of Figure 8 is a method step labeled “identify relevant records.” Col. 18, lines 20-24 of *Haitsuka* discloses:

In another embodiment, the summary record includes the results of the statistical analysis performed in step 825, including objects associated with text and graphical displays, such as tables and graphs, to assist the sponsor in analyzing the data

The Applicants respectfully point out that the cited element and content of *Haitsuka* does not appear to teach or suggest the step of “receiving” much less “receiving a plurality of dimensions.” The cited portion of *Haitsuka* appears to disclose identifying records and performing statistical analysis to assist the sponsor. The cited portion of *Haitsuka* does not teach that anything is received from the sponsor much less a plurality of dimensions. Further, the cited portion does not teach a front end or any information about the front end, such as that the front end has “an interface displaying selection areas that are driven by a plurality of hierarchy tables of the database” as required by the claim. Moreover, the cited portion of *Haitsuka* does not appear to teach that the displayed selection areas of the interface of the front end are driven by a plurality of hierarchy tables of the database. The Applicants respectfully submit that the Examiner has not shown that *Haitsuka* or

Gatto teach each and every element of the claim and, therefore, has not established a *prima facie* case of obviousness.

Further the Examiner rejected claim 13 stating that *Haitsuka* teaches “extracting data from the hierarchy table to generate extracted data (Figure 8, 835)” (*Office Action*, p. 3). Element 835 of Figure 8 is a box of a flowchart labeled “Provide summary to sponsor.” The Applicants respectfully point out that the step of element 835 of Figure 8 only indicates that a summary is provided to a sponsor. The cited art does not appear to teach or suggest the step of extracting data or that data is extracted from a hierarchy table. The Applicants respectfully submit that the Examiner has not shown that *Haitsuka* or *Gatto* teach or suggest each and every element of the claim and, therefore, has not established a case of obviousness.

The Examiner also rejected claim 13 stating that *Haitsuka* teaches “filtering the extracted data using filter parameters received from the front end to generate filtered data; and providing the filtered data to a client computer running the front end (Figure 8, 835 and col. 18, lines 20-24)” (*Office Action*, p. 4). As discussed herein, element 835 of Figure 8 only indicates that a summary is provided to a sponsor. Col. 18, lines 20-24 indicate (see above) that a summary record includes the results of a statistical analysis and includes “objects associated with text and graphical displays, such as tables and graphs, to assist the sponsor in analyzing the data.” The cited portions of *Haitsuka* do not appear to teach that filtering extracted data is performed using “filter parameters received from the front end.” In fact, the cited portions of *Haitsuka* do not appear to teach a front end, much less that filter parameters may be received from the front end or that filtered data is provided to a client computer running the front end. The Applicants respectfully submit that the Examiner has not shown that *Haitsuka* or *Gatto* teach or suggest each and every element of the claim and, therefore, has not established a case of obviousness.

For at least these reasons, as well as the reasons discussed with regard to claim 1, the Applicants request that the rejection to claim 13, as well as the rejections to the claims that depend upon claim 13, be withdrawn.

Regarding claim 14,

In particular, the Examiner has not addressed, made arguments, or shown where *Haitsuka* discloses any of the elements of claim 14 including “wherein filtering the extracted data includes performing conditional operations on the extracted data.” Since the Examiner has not cited art nor made arguments related to each and every element of the rejection, a rejection of obviousness is improper.

For at least these reasons, as well as the reasons discussed with regard to claims 1, 6, and 13, the Applicants request that the rejection to claim 14 be withdrawn.

Regarding claim 15,

The Examiner has not addressed, made arguments, or shown where *Haitsuka* discloses any of the elements of claim 15 including “wherein the first hierarchy table includes data obtained from client programs monitoring a consumer online activity.” Since the Examiner has not cited art nor made arguments related to each and every element of the rejection, a rejection of obviousness is improper.

For at least these reasons, as well as the reasons discussed with regard to claims 1, 6, and 13, the Applicants request that the rejection to claim 15, as well as the rejections to the claims that depend upon claim 15, be withdrawn.

Regarding claim 17,

The Examiner has not addressed, made arguments, or shown where *Haitsuka* discloses any of the elements of claim 17 including “wherein each of the plurality of hierarchy tables contains at least one dimension related to online advertising.” Since the Examiner has not cited art nor made arguments related to each and every element of the rejection, a rejection of obviousness is improper.

For at least these reasons, as well as the reasons discussed with regard to claims 1, 6, and 13, the Applicants request that the rejection to claim 17 be withdrawn.

Regarding claim 20,

The Examiner has not addressed, made arguments, or shown where *Haittsuka* discloses any of the elements of claim 20 including “method of claim 13 further comprising displaying at least some of the filtered data on the client computer.” Since the Examiner has not cited art nor made arguments related to each and every element of the rejection, a rejection of obviousness is improper.

For at least these reasons, as well as the reasons discussed with regard to claims 1, 6, and 13, the Applicants request that the rejection to claim 20 be withdrawn.

Regarding claims 16 and 18-19,

For at least the reasons discussed with regard to claims 1, 6, 13, and 15, the Applicants request that the rejections to claims 16 and 18-19 are withdrawn.

The Applicants respectfully request entry of these amendments and new claims as provided herein. The application is believed to be in condition for allowance and a Notice of Allowance is hereby respectfully requested. If the Examiner has any questions or needs any additional information, the Examiner is invited to telephone the undersigned.

The Commissioner is authorized to charge any fee deficiency or credit any overpayment to Deposit Account 50-4561.

Respectfully submitted,

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